

REMARKS

The Examiner's Office Action mailed May 14, 2008, which required an election due to a restriction requirement, has been reviewed. Applicants submit the above amendments and following remarks are responsive to all points raised therein.

Status of Claims

Claims 1, 3-5, and 13 are pending in the application. Claims 1 and 13 have been amended. Claims 2, 6-12, and 14-19 have been withdrawn.

Claims 1 and 13 have been amended to comply with the restriction requirement. No new matter has been added.

Restriction Requirement

An election between the following groups of claims for prosecution on the merits was requested by the Examiner:

Group I (claims 1, 3-5, 12, and 13) drawn to a polynucleotide comprising: a) the sequence depicted in SEQ ID NO: 1 or 3; or b) a polynucleotide which exhibits an identity of more than 50% with the polynucleotide having the sequence depicted in SEQ ID NO: 1 or 3; or c) a polynucleotide, which hybridizes under stringent conditions, with the polynucleotide having the sequence as depicted in SEQ ID NO: 1 or 3; or d) a polynucleotide which encodes a polypeptide having the sequence depicted in SEQ ID NO: 2; or e) a polynucleotide which exhibits an identity of more than 50% with a polynucleotide which encodes the polypeptide having the sequence depicted in SEQ ID NO: 2; or f) a polynucleotide which hybridizes under stringent conditions with a polynucleotide which encodes the polypeptide having the sequence depicted in SEQ ID NO: 2; or g) a polynucleotide which differs from a polynucleotide having the sequence depicted in SEQ ID NO: 1 due to degeneracy of the genetic code; h) a polynucleotide which is a fragment of a polynucleotide as described in a) to g) and is at least 6 nucleotides in length; and a vaccine.

Group II (claims 2, 12, and 13) drawn to a polypeptide which is encoded by a polynucleotide as claimed in claim 1 and is at least 8 amino acids in length; and a vaccine.

Group III (claims 6, 7, and 10-13) drawn to an antibody, characterized in that it specifically binds to the polypeptide as claimed in claim 2, and methods of its use.

Group IV (claims 8 and 9) drawn to a method for detecting a polynucleotide as claimed in claim 1, wherein a polynucleotide as claimed in claim 1 is hybridized with the nucleic acid material from a biological sample and the hybridization is detected.

Group V (claims 14 and 15) drawn to a method for finding active compounds which modulate the activity of the EtOS22 protein during the excystation of sporozoites from sporocysts, in which: a) the active compound to be tested is brought into contact with an EtOS22 polypeptide as claimed in claim 2, with the selected conditions enabling the test substance to bind specifically to the EtOS22 polypeptide; and b) a specific binding to the polypeptide which has taken place is detected; with an active compound which binds to the polypeptide being identified as a potential active compound for treating coccidiosis.

Group VI (claims 16-19) drawn to an active compound which can be found using one of the methods as claimed in claim 14 or 15.

Applicants, hereby elect to prosecute the claims of Group I, claims 1, 3-5, and 13 and also elect SEQ ID NO: 1. Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims.

Conclusion

Applicants respectfully submit that the pending claims are now in form for review.

The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment in connection with this amendment to Deposit Account No. 50-4260.

Respectfully submitted,
/JESSICA MONACHELLO/
Jessica Monachello
Reg. No. 58,015
BAYER HEALTHCARE LLC
P.O. Box 390
Shawnee Mission, KS 66201
Tel: 913-268-2038
Fax: 913-268-2889